

Section 2243 provides that “[a] court, justice or judge entertaining an application for a writ of habeas corpus shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted. . . . The writ, or order to show cause shall be directed to the person having custody of the person detained. . . . The person to whom the writ or order is directed shall make a return certifying the true cause of the detention.” 28 U.S.C. § 2243.

This Court issued an order on March 10, 2009 (“Order”), instructing Respondent to file an answer to Petitioner’s petition seeking the issuance of a writ of habeas corpus. (Docket Entry No. 10.) The Order specified that Respondent should respond to Petitioner’s allegations paragraph by paragraph, and state the statutory authority for Petitioner’s detention, pursuant to 28 U.S.C. § 2243. (*Id.* at 1-2.) This satisfies the statutory requirement of an order to show cause.

Further, the U.S. Attorney’s Office responded to the Order with a letter on April 21, 2009. (Docket Entry No. 13.) In this letter and two subsequent letters (filed on May 22, 2009 (Docket Entry No. 14) and June 23, 2009 (Docket Entry No. 15)), the U.S. Attorney’s Office has updated the status of the Petitioner’s detention. These letters evidence why Petitioner’s detention continues.²

For the reasons set forth above, the Petitioner’s motion is moot. Therefore,

² The U.S. Attorney’s Office explained in their first letter that Petitioner’s own failure to cooperate with United States Immigration and Customs Enforcement in preparing Petitioner’s travel documentation originally delayed Petitioner’s release and departure to his native Jamaica. (Docket Entry No. 13.) Most recently, the U.S. Attorney’s Office informed the Court that ICE’s efforts to obtain a travel document for Petitioner are ongoing, and as of June 23, 2009, have been delayed. (Docket Entry No. 16.) The reason given for the current delay is that the Consulate General of Jamaica is waiting for Petitioner’s sister, Pamela Cambell, to respond to an interview request to verify Petitioner’s identity and nationality. (*Id.*)

IT IS, this 17th day of July, 2009,

ORDERED that the motion (Docket Entry No. 8) filed by Gibbon W. Farquharson seeking an order to show cause, pursuant to 28 U.S.C. § 2243, is DENIED as moot; and it is further

ORDERED that a copy of this Order be served on all parties within seven (7) days of the date of entry of this Order.

S/Joseph A. Greenaway, Jr.
JOSEPH A. GREENAWAY, JR., U.S.D.J.